

09CV2564  
B9 Hs

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## X APPELLANTS Appellants

## X DEFENDANTS Appellees

## DELPHI SALARIED RETIREES

## DEBTORS: DELPHI CORPORATION, et al.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Farella Braun + Martel, LLP

235 Montgomery Street, 17th Fl.

San Francisco, CA 94104 (415) 954-4400

ATTORNEYS (IF KNOWN)

Skadden Arps Slate Meagher &amp; Flom LLP

333 West Wacker Drive, Ste 2100

Chicago, IL 60606 (312) 407-0700

CAUSE OF ACT

ON (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

## Appeal of Bankruptcy Court Order 28 U.S.C. Section 158

Has this or a similar case been previously filed in SDNY at any time? No  Yes  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

PLACE AN (X) IN ONE BOX ONLY

## NATURE OF SUIT

05-44481 #16404

## TORTS

## ACTIONS UNDER STATUTES

## CONTRACT

## PERSONAL INJURY

## PERSONAL INJURY

## FORFEITURE/PENALTY

## BANKRUPTCY

## OTHER STATUTES

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 151 MEDICARE ACT
- 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL. VETERANS)
- 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS
- 160 STOCKHOLDERS SUITS
- 170 OTHER CONTRACT
- 180 PRODUCT LIABILITY
- 190 FRANCHISE

## ACTIONS UNDER STATUTES

## CIVIL RIGHTS

## PRISONER PETITIONS

## LABOR

## SOCIAL SECURITY

## COMMODITIES/ EXCHANGE

## REAL PROPERTY

## FEDERAL TAX SUITS

## CUSTOMER CHALLENGE

- 210 LAND
- 220 CONDEMNATION
- 230 FORECLOSURE
- 240 RENT LEASE & EJECTMENT
- 245 TORTS TO LAND
- 246 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

## STABILIZATION ACT

## REAL PROPERTY

## ENERGY ALLOCATION ACT

## REAL PROPERTY

## FREEDOM OF INFORMATION ACT

## REAL PROPERTY

## APPEAL OF FEE DETERMINATION

## REAL PROPERTY

## ACCESS TO JUSTICE

## REAL PROPERTY

## CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE: \_\_\_\_\_

DEMAND \$ \_\_\_\_\_

OTHER \_\_\_\_\_

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN 'X' IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2a. Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se.						

(PLACE AN 'X' IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY	IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)
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## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> DEF <input type="checkbox"/>
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 12 <input type="checkbox"/> 12	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 14 <input type="checkbox"/> 14	FOREIGN NATION	<input type="checkbox"/> 16 <input type="checkbox"/> 16

X~~XXXXXX~~(S) ADDRESS(ES) AND COUNTY(IES)

Appellants Delphi Salaried Retirees  
6620 Yorktown Circle  
East Amherst, NY 14051

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellees Debtors Delphi Corporation, et al  
5725 Delphi Drive  
Troy, MI 48098

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one:  THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 3/3/09 SIGNATURE OF ATTORNEY OF RECORD  
NEIL A. GOTEINER

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

X YES (DATE ADMITTED Mo. \_\_\_\_\_ Yr. \_\_\_\_\_)

Attorney Bar Code #

RECEIPT # Kelly Woodruff / for Neil Goteiner

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

J. Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)